

## **REMARKS**

Claims 1-29 are now pending in the application. Claims 1, 17-19, 21, and 28 are amended with this paper. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-15, 17-26, and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Traynor (U.S. Pat. No. US 2002/0007278). This rejection is respectfully traversed.

Traynor discloses a speech activated network appliance system. The system includes a speech recognition server 110 that recognizes keywords and is connected to a network. The keywords are designated by manufacturers of appliances that communicate with network. The speech recognition server authenticates callers and parses their utterances for the keywords. The speech recognition server then grants callers access to respective ones of the appliances based on recognizing the keywords as they are uttered.

By comparison, the applicant's amended independent Claims 1 and 28 provide, *inter alia*, an apparatus and method for gaining access to a secure resource. A user provides an utterance when attempting to access the secure resource. A text independent component of said utterance is then evaluated vis-à-vis stored biometric data. Instructions to interact with the secure resource are based on results of the evaluation.

The applicant's amended independent Claim 21 provides, *inter alia*, a method of interacting with a secure resource accessible through a telephone system. Unlike the cited references, the applicants' method associates a plurality of extensions with a plurality of fixed physical locations. When the user operates one of the extensions, his or her physical location is learned and that location information is used, along with the user biometric data, to access a data store where the biometric data used to evaluate the user's biometric data is kept. Examples of extensions associated with different physical locations are illustrated in applicants' specification at 12 (physically located outside the secure area 19, near the door 21) and at 14 (physically located inside the secure area 19).

In the context of a security system, applicant's approach is considerably more secure than the art of record because physical presence at a specific fixed location is a key ingredient (along with biometric evaluation) in granting or denying access to the secure resource. To see that this is so, compare the applicants' system with the cited art, in the case where the biometric security component has been compromised (e.g., a mold of the user's fingerprint has been stolen, or a recording of the user's voice has been made without the user's knowledge). In such cases, the systems shown in the art of record would be readily open to attack, from whatever convenient location the thief happened to be. However, with the applicants' system, the thief would also need to be present at the specific physical location—which the thief (a) may not know the location of and/or (b) may not be able to gain physical access to.

In order to more fully distinguish the applicant's invention, claim 21 has been amended to more fully recite that the plurality of extensions are associated with a

plurality of fixed physical locations and that information identifying such physical locations is used along with the biometric data to gain access to the data store where the stored biometric data is kept. The applicant respectfully avers that independent Claims 21 is now in a condition for allowance. Without conceding the examiner's position regarding Claims 2-15, 17-20, and 22-26 depend either directly or indirectly from independent Claims 1, 21, or 28 and are believed to be in a condition for allowance for at least the same reason.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 16 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Traynor (U.S. Pat. No. 2002/0007278), in view of Li et al. (U.S. Pat. No. 6,219,793). This rejection is respectfully traversed.

As discussed above in response to the rejection under 102(e), the Applicant respectfully avers that Travnor does not show or suggest all of the elements of the applicant's claimed invention.

Li discloses a method for using fingerprints to authenticate access to wireless communications and does not make up for Travnor's shortcomings as a reference. The applicant therefore respectfully submits that dependent Claims 16 and 27 are also in a condition for allowance.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this

application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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